

REMARKS

Restriction/Election

Claims 1-24, 37, 38, and 53-73 were elected. The election is hereby affirmed.

Non-elected claim 25-36, 39-52, 74 and 75 are canceled. The Examiner has indicated that non-elected claims 76 and 77 were indicated to fall within the *In re Ochai* exception and would be allowed with claims 71 and 72.

35 U.S.C. § 101 Rejection

Claims 1 – 24 have been rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claims 1 – 24 of U.S. Patent No. 6,796,453 to the Applicant. Applicant has amended Claim 1 for the purpose of more particularly pointing out and distinctly claiming the subject matter that Applicant regards as the invention. Claims 1 and dependant claims 2-24, and 53, 54, 69-73, 76, and 77 are believed to be distinguished over the claims in U.S. Patent No. 6,796,453.

Non-Statutory Double Patenting Rejection

Claims 65 and 67 are rejected on Non-Statutory Double Patenting grounds. A terminal disclaimer is filed with this application, thus overcoming the rejection.

35 U.S.C. § 112

Claims 37-38, were rejected as being indefinite. They are substantively repeat the limitation of claims 23 and 24 and therefore are canceled.

Claims 55-64, 66 and 68 have been amended to overcome the rejection.

Conclusion

Currently 1-24, and 53-73 are pending and are believed to be in position for allowance, non-elected claims 76 and 77 are withdrawn but also pending and are believed to be proper for rejoinder.

Claims 25-52, 74, and 75 are canceled.

Applicant respectfully submits that the application is now in condition for allowance.

Respectfully submitted,

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